

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <i>Bennett</i>)	Art Unit: 2626
)	
Serial No.: 10/653,039)	Examiner: <i>Martin Lerner</i>
)	
<i>Filed: August 29, 2003</i>)	
)	
For: <i>Query engine for processing voice</i>)	
<i>based queries including semantic decoding</i>)	
)	
)	

PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT
FOR NON-PATENT LITERATURE

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests a waiver of 37 C.F.R. 1.98(a) which calls for physical copies of non-patent literature to be submitted during prosecution in an application. The grounds upon which Applicant bases this petition are the following:

- The Applicant has presented an IDS in the present case (and in more than 20 other related cases identified below) consisting of several hundred references alleged to be prior art by Defendants in an ongoing litigation cited in a Notice of Concurrent proceedings filed previously in this case;
- The materials were provided to the Applicant not more than 3 months ago;
- The materials are voluminous, - spanning an estimated 10,000 pages and requiring four separate banker boxes;
- Applicant has already provided an actual physical copy of such materials in pending application serial no. 10/684,357, which is a parent and/or related to other pending cases maintained by Applicant;

- The Examiner in the '357 application is also handling most if not all of the other 22 related cases;
- The cost and burden of copying and shipping such materials an additional 22 times would be extremely burdensome, and result in a significant ecological waste and duplication of paper;

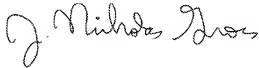
For all of these reasons Applicant submits that waiver of the rule is appropriate for the present case, and the following related cases:

1. 10/653,039
2. 10/792,674
3. 11/003,053
4. 11/003,055
5. 11/003,085
6. 11/003,842
7. 11/030,919 (makes express reference to 10/683,357 for priority)
8. 11/294,918
9. 11/426,242
10. 11/561,568 (makes express reference to 10/683,357 for priority)
11. 11/733,108
12. 11/733,117
13. 11/733,129
14. 11/865,592 (makes express reference to 10/683,357 for priority)
15. 11/932,023 (makes express reference to 10/683,357 for priority)
16. 11/932,250
17. 11/932,684
18. 11/932,773
19. 12/123,293
20. 12/123,336
21. 12/144,492
22. 12/144,499

While not all cases make express claim to priority to the 10/684,357 application, Applicant requests nonetheless that the physical copy of the materials submitted in the aforementioned 10/684,357 be deemed submitted/sufficient for purpose of the present application and all the above referenced applications. In the alternative Applicant requests that he be allowed to submit a CD containing electronic copies of such references in lieu of physical copies as they can be prepared, shipped, stored and considered more conveniently for the Examiner.

Please charge any fees due for this petition to deposit account no. 501-244.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Nicholas Gross".

J. Nicholas Gross
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October 21, 2008
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